OIPE IAP59 FEB 17 2006 PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicants(s):	Boyer et al.
Case:	502084-A-01-US (Boyer)
Serial No.:	10/672,635
Filing Date:	September 26, 2003
Group:	2636
Examiner:	Anh V. La

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Barbara Blake Date: February 15, 2006

Title: Programmable Presence Proxy for Determining a Presence Status of a User

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Appeal Brief; and

(2) Copy of Notice of Appeal, filed on December 19, 2005, with copy of stamped return postcard indicating receipt of Notice by PTO on December 23, 2005.

There is an additional fee of $500 due in conjunction with this submission under 37 CFR §1.17(c). Please charge **Avaya Inc. Deposit Account No. 50-1602** the amount of $500, to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Avaya Inc. Deposit Account No. 50-1602** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully,

Kevin M. Mason

Date: February 15, 2006

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Title: Programmable Presence Proxy for Determining a Presence Status of a User

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal the final rejection dated September 19, 2005, of claims 1 through 25 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application is assigned to Avaya Technology Corporation, as evidenced by an assignment recorded on September 26, 2003 in the United States Patent and Trademark Office at Reel 014568, Frame 0052. The assignee, Avaya Technology Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1 through 25 are pending in the above-identified patent application. Claims 1-25 remain rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al. (United States Patent Number 5,889,845).

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STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a method and apparatus that evaluate a number of different sources of presence information to determine a presence status of a user. (Page 4, lines 8-30.) The presence status of a user is determined by obtaining presence information from a plurality of presence data stores (page 5, line 1, to page 6, line 2); translating the obtained presence information from at least one of said presence data stores into a standard format (page 6, lines 3-30); and determining the presence status of the user based on the obtained presence information (page 6, lines 17-30). Presence information can also be based on user-specified rules. (Page 6, lines 17-25.) Presence information is obtained from a number of presence data stores and the presence status of a user is determined based on one or more rules that are applied to the obtained presence information. The rules may include, for example, aggregation rules that determines the presence status based on one or more of the obtained presence information or filter rules that determine who may receive the presence status. (Page 7, line 25, to page 8, line 14.)

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al.

ARGUMENT

Independent Claims 1, 13, 18 and 23

Independent claims 1, 13, 18, and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al. Regarding claim 1, the Examiner asserts that Staples discloses translating the presence information from at least one of the presence data stores into a standard format (abstract; FIGS. 1, 10, and 12-20; col. 2, line 40, to col. 3, line 67). Regarding claim 13, the Examiner asserts that Staples discloses determining the presence status of the user based on one or more rules that are applied to the obtained presence information. In the final Office Action, the Examiner asserts that the features upon which Applicant relies are not recited in the claims.

Appellants note that the present invention teaches that,

> generally, the presence proxy 200 converts or translates presence information extracted or obtained from the presence data stores 210 to a standard format. For example, *if the presence data store 210-1 is a Lotus Notes Server, the presence data collector 220-1 can act as a Lotus Notes client to obtain the desired presence information.* Likewise, *if the presence data store 210-1 is a Microsoft Exchange Server, an application program interface (API), such as an API from the Microsoft Collaboration Data Objects library (CDO) can be employed to obtain the desired presence information. If the presence data store 210-1 is a Calendar Server that exposes an Internet Engineering Task Force (IETF) standards-based iCalendar interface, such as a Netscape Directory Server, the presence information can be extracted using the iCalendar interface.* Generally, the presence data collectors 220 take care of the interaction between the presence proxy 200 and the various presence data stores 210. *The extracted presence information is then translated to a **standard format**, if necessary. For example, the presence data collector 220 can convert extracted presence information to an XML document following the CPIM model.*
> (Page 6, lines 3-16; emphasis added.)

Contrary to the Examiner's assertion, Appellants could find no disclosure or suggestion by Staples of translating presence information from at least one of the presence data stores into a *standard format.* Independent claims 1 and 18 require translating the presence information from at least one of the presence data stores into a *standard format.*

Appellants also note that the present invention teaches that,

> as shown in FIG. 2, the presence proxy 200 provides a programmable interface 230 to enable rule-based filtering and aggregation of the presence information. In this manner, the present invention supports the user-specification of logic that determines whether the user is actually "present." Thus, *a user can define **filtering rules** that determine how the presence information of the user is shared with applications.* In addition, a user can specify aggregation rules that determine when a user is present based on the information obtained from the various presence data stores 210. For example, a user can specify an aggregation rule stating that "whenever there is a conflict between an appointment in my Microsoft™ Outlook Calendar and my Palm™ Calendar, my presence shall always be determined based on the appointment specified in my Palm Calendar." In addition, the text analysis engine 240 can be trained to recognize certain keywords that determine the presence of the user. The text analysis engine 240 can analyze scheduled appointments/meetings for keywords and infer the presence information for the user according to the user's rules. For example, a user could create a rule that establishes his or her status as "busy" whenever the user has the "lunch" keyword in his appointments. Likewise, the user could create a rule that establishes his or her status as "unavailable" whenever the "tele-conf" keyword appears in the user's appointments.
> (Page 7, line 26, to page 8, line 11; emphasis added.)

Contrary to the Examiner's assertion, Appellants could find no disclosure or suggestion by Staples of determining a presence status of a user based on *one or more rules* that are applied to the

obtained presence information. Independent claims 13 and 23 require determining said presence status of said user based on ***one or more rules*** that are applied to said obtained presence information.

Regarding the Examiner's assertion that the features upon which Applicant relies are not recited in the claims, Appellants note that the features relied upon (standard format and rules that are applied to the obtained presence information) are recited in the claims. The arguments cited by the Examiner were simply presented to explain the definition of the cited terms as taught by the present specification.

Thus, Staples et al. do not disclose or suggest translating the presence information from at least one of the presence data stores into a standard format, as required by independent claims 1 and 18, and do not disclose or suggest determining said presence status of said user based on one or more rules that are applied to said obtained presence information, as required by independent claims 13 and 23.

Claims 8, 9, 16, 17, 24 and 25

Claims 8, 9, 16, 17, 24, and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al. In particular, the Examiner asserts that Staples discloses one or more rules that filter/aggregate the obtained presence information (Abstract; FIG. 1: 10, 12-20; col. 2, line 40, to col. 3, line 67).

Claims 8, 9, 16, 17, 24, and 25 require one or more rules that filter/aggregate the obtained presence information. Appellants could find no disclosure or suggestion by Staples of one or more rules that ***filter/aggregate*** *obtained presence information.*

Thus, Staples et al. do not disclose or suggest one or more rules that filter/aggregate the obtained presence information, as required by claims 8, 9, 16, 17, 24, and 25.

Conclusion

The rejections of the cited claims under section 102 in view of Staples et al. are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

Date: February 15, 2006

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APPENDIX

1. A method for determining a presence status of a user, comprising:

obtaining presence information from a plurality of presence data stores;

translating said presence information from at least one of said presence data stores into a standard format; and

determining said presence status of said user based on said obtained presence information.

2. The method of claim 1, wherein said presence status indicates if said user can be reached at one or more indicated devices.

3. The method of claim 1, wherein said presence information is obtained from a user registration process.

4. The method of claim 1, wherein said presence information is obtained by observing activities of a user.

5. The method of claim 1, wherein said obtaining step is performed by a presence data collector.

6. The method of claim 5, wherein said obtaining step further comprises the step of querying a presence data store for said presence information.

7. The method of claim 5, wherein said obtaining step further comprises the step of receiving a message containing said presence information from a presence data store.

8. The method of claim 1, wherein said determining step further comprises the step of determining said presence status of said user based on one or more rules that aggregate said obtained presence information.

9. The method of claim 1, wherein said determining step further comprises the step of determining said presence status of said user based on one or more rules that filter said obtained presence information.

10. The method of claim 1, further comprising the steps of translating said presence information in said standard format to a format appropriate for a recipient application and providing said presence status to said recipient application.

11. The method of claim 1, wherein said presence data store is a device.

12. The method of claim 1, wherein said presence data store is an application.

13. A method for determining a presence status of a user, comprising:
obtaining presence information from a plurality of presence data stores; and
determining said presence status of said user based on one or more rules that are applied to said obtained presence information.

14. The method of claim 13, wherein said obtaining step further comprises the step of querying a presence data store for said presence information.

15. The method of claim 13, wherein said obtaining step further comprises the step of receiving a message containing said presence information from a presence data store.

16. The method of claim 13, wherein said one or more rules includes at least one aggregation rule that determine said presence status based on one or more of said obtained presence information.

17. The method of claim 13, wherein said one or more rules includes at least one filter rule that determine who may receive said presence status.

18. A system for determining a presence status of a user, comprising:

a memory; and

at least one processor, coupled to the memory, operative to:

obtain presence information from a plurality of presence data stores;

translate said presence information from at least one of said presence data stores into a standard format; and

determine said presence status of said user based on said obtained presence information.

19. The system of claim 18, wherein said presence status indicates if said user can be reached at one or more indicated devices.

20. The system of claim 18, wherein said processor is further configured to query a presence data store for said presence information.

21. The system of claim 18, wherein said processor is further configured to receive a message containing said presence information from a presence data store.

22. The system of claim 18, wherein said processor is further configured to translate said presence information to a format appropriate for a recipient application and providing said presence status to said recipient application.

23. A system for determining a presence status of a user, comprising:

a memory; and

at least one processor, coupled to the memory, operative to:

obtain presence information from a plurality of presence data stores; and

determine said presence status of said user based on one or more rules that are applied to said obtained presence information.

24. The system of claim 23, wherein said one or more rules includes at least one aggregation rule that determine said presence status based on one or more of said obtained presence information.

25. The system of claim 23, wherein said one or more rules includes at least one filter rule that determine who may receive said presence status.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 502084-A-01-US (Boyer)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on December 19, 2005.

Signature Bobbette A. Blake.

Typed or printed name Bobbette A. Blake.

In re Application of: Boyer et al.

Application Number	Filed
10/672,635	September 26, 2003

For: Programmable Presence Proxy for Determining a Presence Status of a User

Group Art Unit	Examiner
3676	Anh V. La

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) $ 500.00.

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $_____.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☑ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1602. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a)._____.

Kevin M. Mason
Signature

Kevin M. Mason
Typed or printed name

Dec. 19, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Receipt in the USPTO is hereby acknowledged of:

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Case Name: 502084-A-01-US (Boyer)
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1250-1068

December 19, 2005 KMM